

*In the Matter of Jason Mangano, Police Officer, Vernon*  
CSC Docket No. 2013-650  
**(Civil Service Commission, decided September 19, 2012)**

The Township of Vernon (Vernon) requests relaxation of *N.J.A.C. 4A:4-7.1A(c)* so as to permit the intergovernmental transfer of Jason Mangano from the title of Sheriff's Officer, Morris County Sheriff's Office, to the title of Police Officer, Vernon.

*N.J.A.C. 4A:4-7.1A(c)* provides, in pertinent part, that an intergovernmentally transferred employee shall be moved to a title substantially at the same level. However, where the title to which the employee is transferring is different from that held on a permanent basis in the sending jurisdiction, the receiving jurisdiction is required to request approval of the title, based on the following criteria: 1) the titles(s) shall have substantially similar duties and responsibilities; 2) the education and experience requirement for the title(s) are the same or similar and the mandatory requirements of the new title shall not exceed those of the former title; 3) there shall be no special skills, licenses, certification or registration requirements for the new title which are not also mandatory for the former title; and 4) any employee in the former title can, with minimal training and orientation, perform the duties of the new title by virtue of having qualified for the former title. *See N.J.A.C. 4A:4-7.1A(c)2*. In short, the rules allow movement between different titles provided that the transfer meets the conditions noted above.

In the present matter, Vernon seeks the transfer of Jason Mangano from the title of Sheriff's Officer in the Morris County Sheriff's Office to the title of Police Officer. Officer Mangano, the Morris County Sheriff's Office and Vernon reached agreement as to the terms of transfer. The agreement provides, in pertinent part, that Officer Mangano waives all accumulated seniority and sick leave in accordance with *N.J.S.A. 11A:2-28(a)* and (b). However, this request was unable to be processed on the basis that the transfer involves a change to a functionally dissimilar job title.

In the present request, John F. Dempsey, Undersheriff, Morris County, verifies that the duties performed by Officer Mangano as a Sheriff's Officer are substantially similar to the duties performed by a Vernon Police Officer. Further, he certifies that Officer Mangano completed the Basic Course for Police Officers and is certified as a Law Enforcement Officer. Victor Marotta, Mayor, Vernon states that its staffing needs require an additional, fully trained and qualified officer. As such, he maintains that Officer Mangano has the appropriate experience and training to laterally transfer to the title of Police Officer. Additionally, Undersheriff Dempsey verifies that as a Sheriff's Officer, Officer Mangano conducts investigations and makes arrests for all types of criminal offenses and execution of

criminal warrants and conducts and participates in investigations involving various violations of the laws of the State.

It is noted that in conjunction with extensive assistance from the Sheriff's Officers Association and the consent of the Fraternal Order of Police and the New Jersey State Police Officers Benevolent Association, the job specification for Sheriff's Officer underwent an extensive review that resulted in substantial changes to the job specification for Sheriff's Officer. As a result, the revised job specification for Sheriff's Officer defines the job as: "Under direction, performs one or more functions in the following areas: maintaining order and security in the courtroom, serving court processes, criminal identification, ballistics, investigations, apprehension of violators of the law; forensics and other related assignments which may include Emergency Management. As required by the operational needs of the jurisdiction (County), may be assigned to perform other law enforcement or public safety related duties outside the parameters of a courtroom environment, which may include criminal investigations, patrol duties, dispute intervention/resolution, public safety/service assistance, traffic control and enforcement, motor vehicle accidents, etc., and/or other assignments as determined by the appointing authority." The job specification for Police Officer defines the job as: "During an assigned tour of duty, on foot, or in an automobile, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, and to apprehend lawbreakers; does related work as required."

### CONCLUSION

The intergovernmental transfer rules permit the transfer of State, county and municipal employees between jurisdictions without loss of permanent status, subject to the approval of the transferring agency, the receiving agency, the transferring employee, and the Division of Classification and Personnel Management. Although the terms of transfer in this case were agreed to by the transferring agency, the receiving agency and the transferring employee, prior to the change in the job specification for Sheriff's Officer, it will not be able to be processed, absent rule relaxation procedures, since the transfer required a title change and the duties of a Sheriff's Officer were not the same as those for a Police Officer. However, the job specification for Sheriff's Officer underwent an extensive review that resulted in substantial changes. These changes now evidence that for purposes of eligibility for intergovernmental transfer only, the duties of a Sheriff's Officer, based on assignment, may be sufficiently similar to those of a Police Officer. In this regard, Vernon's submissions confirm that Officer Mangano successfully completed the requirements for the Basic Course for Police Officers. Moreover, the record demonstrates that he did in fact perform functions substantially similar to those of local police officers.

*N.J.A.C. 4A:4-7.1A(a)* provides, in pertinent part, that an intergovernmental transfer is the movement of a permanent employee between governmental jurisdictions operating under Title 11A, New Jersey Statutes. In this matter, it is noted that the rules allow movement only between identical titles or titles that are functionally equivalent. Given the revised job specifications and particular circumstances presented in this case, including the staffing needs of Vernon and the fact that the duties performed by this officer are substantially similar to the duties and functions of a Police Officer, good cause exists to permit the permanent transfer of Officer Mangano to Vernon's Police Department. While the duties of the two titles are not precisely the same, the Civil Service Commission is satisfied that for the limited purposes of effecting intergovernmental transfers, future rule relaxations will not be necessary to effect an intergovernmental transfer from the title of Sheriff's Officer to Police Officer. However, given that two titles are not precisely the same, Sheriff's Officers who intergovernmentally transfer to the title of Police Officer will be required to complete a 12-month working test period as a Police Officer.

*N.J.S.A. 11A:2-28(a)* and (b) provide that law enforcement officers shall be granted all privileges under the intergovernmental transfer program, including the option to waive all accumulated sick leave and seniority rights, and that the waiver of accumulated sick leave and seniority rights shall require the consent in writing of the receiving jurisdiction, the affected employee, and the Division of State and Local Operations. *See also, N.J.A.C. 4A:4-7.1A(b)2.* In this case, Officer Mangano signed an agreement indicating that he waives all accumulated seniority and all accrued sick leave which was acknowledged by the receiving agency. Accordingly, accumulated seniority and sick leave do not transfer. *See N.J.A.C. 4A:4-7.4(c).*

### ORDER

Therefore, it is ordered that the request, seeking to allow the transfer of Jason Mangano from the Morris County Sheriff's Office to Vernon's Police Department, be granted. Nevertheless, since the duties of a Police Officer and Sheriff's Officer do not precisely mirror each other, Jason Mangano's working test period shall commence upon appointment as a Police Officer. Additionally, in the future, the Division of Classification and Personnel Management shall permit intergovernmental transfers of Sheriff's Officer to Police Officer without the necessity of formal rule relaxation procedures. Finally, the Division of Classification and Personnel Management shall advise individuals who transfer from the title of Sheriff's Officer to Police Officer that, upon appointment as a Police Officer, he or she will be required to complete a new 12-month working test period.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.